

Exhibit B

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3
4 UNITED STATES DISTRICT COURT
5 CENTRAL DISTRICT OF CALIFORNIA
6 SOUTHERN DIVISION

7 - - -

8 THE HONORABLE JAMES V. SELNA, JUDGE PRESIDING

9 UNITED STATES OF AMERICA,) CERTIFIED TRANSCRIPT
10 Plaintiff,)
11 vs.)
12 MICHAEL JOHN AVENATTI,) SACR-19-00061-JVS
13 Defendant.) TRIAL DAY 8, Vol. 1
14 -----)

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 Santa Ana, California

17 July 23, 2021

18
19 SHARON A. SEFFENS, RPR
20 United States Courthouse
21 411 West 4th Street, Suite 1-1053
22 Santa Ana, CA 92701
23 (714) 543-0870
24
25

SHARON A. SEFFENS, U.S. DISTRICT COURT REPORTER

1 APPEARANCES OF COUNSEL:

2 For the Plaintiff:

3 NICOLA T. HANNA
United States Attorney
4 BRANDON D. FOX
Assistant United States Attorney
5 Chief, Criminal Division
ALEXANDER WYMAN
6 Assistant United States Attorney
Major Frauds Section
7 1100 United States Courthouse
312 North Spring Street
8 Los Angeles, CA 90012
(213) 894-6683

9
BRETT A. SAGEL
10 Assistant United States Attorney
Ronald Reagan Federal Building
11 411 West Fourth Street, Suite 8000
Santa Ana, CA 92701
12 (714) 338-3598

13 For the Defendant:

14 H. DEAN STEWARD
H. DEAN STEWARD LAW OFFICES
15 107 Avenida Miramar, Suite C
San Clemente, CA 92672
16 (949) 481-4900

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I-N-D-E-X

PLAINTIFF'S WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
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JOSEPH VARANI	10	20		
CARLOS COLORADO	32	48	73	74
ELSA GUERRERO	76	89		

PLAINTIFF'S EXHIBITS:		MARKED	RECEIVED
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Exhibit 11 (Limited purpose)			15
Exhibits 115 and 116 (Limited purpose)			16
Exhibit 7			38
Exhibit 21			42
Exhibit 70			82

DEFENSE WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
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(None)

DEFENSE EXHIBITS:		MARKED	RECEIVED
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Exhibit 1005		98	
Exhibit 1006		107	

09:04 1 witness, please.

09:04 2 MR. WYMAN: Yes. The United States calls Joe
09:04 3 Varani.

09:04 4 JOSEPH VARANI, GOVERNMENT'S WITNESS, SWORN

09:04 5 THE CLERK: Please speak right into the microphone
09:04 6 and state and spell your first and last name.

09:04 7 THE WITNESS: Joseph Varani, J-o-s-e-p-h,
09:04 8 V-a-r-a-n-i.

09:05 9 THE COURT: Mr. Wyman.

09:05 10 MR. WYMAN: Thank you, Your Honor.

09:05 11 DIRECT EXAMINATION

09:05 12 BY MR. WYMAN:

09:05 13 Q Good morning, Mr. Varani.

09:05 14 A Good morning.

09:05 15 Q Where do you work?

09:05 16 A I work in Washington, D.C., for the Cyber Crime Lab,
09:05 17 which is part of the computer crime and intellectual
09:05 18 property section of the Department of Justice.

09:05 19 Q And what is your title at the DOJ Cyber Crime Lab?

09:05 20 A I am a senior digital investigative analyst.

09:05 21 Q And how long have you been a senior digital
09:05 22 investigative analyst?

09:05 23 A For 11 years now.

09:05 24 Q And what are your primary duties and responsibilities
09:05 25 in that role?

09:07 1 Q Were the forensic images that were provided to you
09:07 2 labeled so that you could identify which digital devices you
09:07 3 had been provided with?

09:07 4 A Yes, they were.

09:07 5 Q Based on the information provided to you by Special
09:07 6 Agent Tashchyan, what kind of devices were these images of?

09:07 7 A These were images of computer servers and a laptop.

09:07 8 Q And based on that information, what is your
09:07 9 understanding of where those devices came from?

09:07 10 A My understanding is that the computer servers came from
09:07 11 a digital data center, and the laptop was seized from
09:07 12 Mr. Avenatti in New York.

09:07 13 Q Did you understand from that information that the
09:07 14 servers were affiliated with the law firm Eagan Avenatti?

09:07 15 A Yes.

09:07 16 Q Once you received the forensic images from the IRS CI,
09:07 17 can you please describe the process that you undertook to
09:08 18 extract data from those images.

09:08 19 A I first used our forensic tools to import all of the
09:08 20 data and process that data. And what it does is it locates
09:08 21 all of the files that are inside the alchemies of the images
09:08 22 that we received. It also indexes the contents of those
09:08 23 files as well so that I am able to perform keyword searches
09:08 24 on the contents of the files.

09:08 25 Q And did you conduct those keyword searches?

09:11 1 THE COURT: It will be received for the limited
09:11 2 purpose that it was found on the server or the computer.
09:11 3 It's not for the truth of the content, just that it was
09:11 4 there.

09:11 5 MR. WYMAN: Thank you, Your Honor.

09:11 6 (Exhibit 11 received in evidence
09:11 7 for limited purpose)

09:11 8 MR. WYMAN: If we could please publish the first
09:11 9 page. Now, if we could focus on the second paragraph at the
09:11 10 beginning.

09:11 11 THE COURT: I don't think it's appropriate to have
09:11 12 a substantive discussion on this document until it's been
09:11 13 authenticated and received in full. If you have got general
09:11 14 questions about the document, fine.

09:11 15 MR. WYMAN: Very well. We will come back to it
09:12 16 with another witness, Your Honor.

09:12 17 BY MR. WYMAN:

09:12 18 Q Would you please turn now to Exhibits 115 and 116 which
09:12 19 should be in the other binder, Volume 2.

09:12 20 A (Witness complies.) Okay.

09:12 21 Q Do you recognize these two documents?

09:12 22 A Yes, I do.

09:12 23 Q How do you recognize them?

09:13 24 A These were documents that I saw on the MacBook Pro
09:13 25 laptop.

09:19 1 BY MR. AVENATTI:

09:19 2 Q Mr. Varani, good morning.

09:19 3 A Good morning.

09:19 4 Q Welcome to California.

09:19 5 A Thank you.

09:20 6 Q You work out of Washington, D.C.; is that right?

09:20 7 A Yes.

09:20 8 Q And you work for the Department of Justice; is that

09:20 9 right?

09:20 10 A Yes.

09:20 11 Q And you traveled all the way from Washington, D.C., to

09:20 12 California at the request of the prosecutors to testify in

09:20 13 this case; is that right?

09:20 14 A Yes, I did.

09:20 15 Q And you have been -- unfortunately you've had to be

09:20 16 cooling your heels out in the hallway waiting for your

09:20 17 testimony, right?

09:20 18 A Yes.

09:20 19 MR. WYMAN: Objection. Relevance.

09:20 20 THE COURT: Sustained.

09:20 21 BY MR. AVENATTI:

09:20 22 Q Sir, how many days have you been here waiting to

09:20 23 testify?

09:20 24 MR. WYMAN: Objection.

09:20 25 THE COURT: Let's get down to the essence of your

09:26 1 me in reports and other documents.

09:26 2 Q By Mr. Tashchyan?

09:26 3 A Yes.

09:26 4 Q Because you were not physically there when any data was
09:26 5 taken from any device?

09:26 6 A Correct.

09:26 7 Q You are relying on what others have told you?

09:26 8 MR. WYMAN: Objection. Asked and answered.

09:26 9 THE COURT: Sustained.

09:26 10 BY MR. AVENATTI:

09:26 11 Q And how many forensic images were given to you by
09:26 12 Mr. Tashchyan or anyone else in connection with the
09:26 13 investigation and prosecution of this case?

09:26 14 A There were dozens all together.

09:27 15 Q And can you describe for the jury -- strike that. I
09:27 16 think you mentioned on direct that you were given keyword
09:27 17 search terms to look for in the data from the images you
09:27 18 were given; is that right?

09:27 19 A Yes.

09:27 20 Q And who gave you those keyword search terms?

09:27 21 A The Assistant U.S. Attorney that was working on the
09:27 22 case at the time.

09:27 23 Q Was that Mr. Andre?

09:27 24 A Yes.

09:27 25 Q And did you have correspondence back and forth with him